

**REMARKS**

The Applicants respectfully request further examination and consideration of the claims in view of the above amendments and the arguments set forth fully below. Claims 1-20 were pending in this application. Within the Office Action, Claims 1-10 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,636,233 which issued June 3, 1997 to Levinson (hereinafter Levinson). Claims 11-20 are allowed. No claims are amended, withdrawn or cancelled by this response. Accordingly, Claims 1-20 remain pending in this application.

**Rejection of Claims 1-10 Under 35 U.S.C. § 102(b)**

Within the Office Action Claims 1-10 are rejected under 35 U.S.C. § 102(b) as being anticipated by Levinson. The Applicant respectfully traverses this rejection.

The present invention is directed to a press filter for use in a vessel to separate infusion material from an infused liquid. The vessel has a cross-section dimension which varies according to the distance from the opening such that the vessel has a plurality of dimensions. **The filter is configured to maintain contact with the interior of the vessel for each of the plurality of dimensions.** A plunger element is configured for pushing the compressible filter membrane through the vessel from the proximal end substantially to the distal end.. One thing the present invention can accomplish is to allow one to make a pressed cup of coffee in a conventional conical paper cup.

Levinson cannot make a pressed cup of coffee in a conventional conical paper cup. Levinson teaches a press and filter assembly for use in a vessel. In one embodiment, as shown in Figure 9, the vessel is a cup which appears substantially cylindrical but includes a smaller bottom region for holding spinning blades to grind coffee beans and froth the beverage. The Official Action refers to the cup 38 as being a frusto-conical, though there is no teaching that regarding the actual shape except for Figure 9. The press filter assembly transits the cylindrical portion of the vessel, but there is no teaching, hint or suggestion in Levinson that the press filter assembly transits the smaller bottom region of the cup that includes the blades. Indeed, the element 33 is described as a plunger plate with no suggestion that it can change dimension. Moreover, the region within the smaller bottom section of the vessel is substantially consumed by the blade assembly preventing the press and filter assembly from entering that portion of the vessel.

Claim 1 distinguishes over Levison. Claim 1 requires that the "interior of the vessel has a cross-section with a dimension and the dimension varies with longitudinal distance from the opening such that the vessel has a plurality of dimensions." Moreover, claim 1 requires that "the filter ... maintain contact with the interior of the vessel for each of the plurality of dimensions." This Levinson does not teach, hint or suggest and cannot accomplish. The construction of the Levinson press and filter assembly with a plunger plate 33 makes the press and filter assembly dimensionally invariable. Additionally, the blade assembly prevents the press and filter assembly from transiting the smaller bottom region of the cup.

A 35 U.S.C. § 102(b) rejection requires the reference to teach, either implicitly or explicitly, every aspect of the present invention. Levinson does not teach that the press and filter assembly transits the smaller bottom section of the cup 38. For at least these reasons, claim 1 is allowable over the cited prior art including Levinson.

Claims 2-10 depend from allowable claim 1. As such, claims 2-10 are also in a condition for allowance.

Allowed Claims The Applicant gratefully acknowledges that claims 11-20 are in a condition for allowance.

For the reasons given above, the Applicants respectfully submit that the Claims 1-20 are in a condition for allowance, and allowance at an early date would be appreciated. Should the Examiner have any questions or comments, the Examiner is encouraged to call the undersigned at (408) 530-9700 to discuss the same so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,  
HAVERSTOCK & OWENS LLP

Dated: 11-8-05

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CERTIFICATE OF MAILING (37 CFR § 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450

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HAVERSTOCK & OWENS LLP.

Date: 11-8-05 By: 